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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,547	02/26/2004	Michel Sayag	SAYIP004D1	9483
22434	7590	02/02/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			LEE, SHUN K	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2878	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Advisory Action **Before the Filing of an Appeal Brief**

Application No.

10/789,547

Applicant(s)

SAYAG, MICHEL

Examiner

Shun Lee

Art Unit

2878

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 1204
13. ☒ Other: See Continuation Sheet.

CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

Constantine Hannaher

Continuation of 3. NOTE: the proposed amendment to paragraph beginning at page 19, line 22 of the specification raises the issue of new matter.

Continuation of 11. does NOT place the application in condition for allowance because: applicant argues that the disclosure as filed supports the claim limitation since Figs. 9 and 22-24 each shows a cassette enclosure having a thickness of either 0.59" or 0.6". Examiner respectfully disagrees. While the drawings may disclose a particular dimension (e.g., 0.59" or 0.6"), the drawings do not disclose a particular range (e.g., less than about 15 mm). That is, the drawing at most disclose a dimension but do not disclose a particular range of one element dimension. Applicant then argues that the cassette of Mueller et al. is more commonly referred to as a bucky which is a term used in the industry for the cassette tray which also includes a reciprocating grid above it. Examiner respectfully disagrees. There is no disclosure or suggestion within the Mueller et al. reference that the cassette includes a reciprocating grid. Applicant further argues that Mueller et al. explicitly indicate a lower limit on cassette thickness. Examiner respectfully disagrees. Mueller et al. state (US 6,373,074 column 10, lines 52-57) that "Due to the design subject to the invention of the device for reading out information stored in a phosphor carrier, the x-ray cassette can be manufactured with very small dimensions. It is possible to limit the thickness of the x-ray cassette to about 45 mm such that it can even be insertable in conventional x-ray units already in operation". Thus Mueller et al. teach an x-ray cassette with very small dimensions and that it would be possible to insert in the x-ray cassette into conventional x-ray units if the x-ray cassette is limited to ~45 mm thick since thicker x-ray cassettes cannot be inserted into conventional x-ray units. However, this is merely an example of the very small dimensions of the x-ray cassette and is not an express teaching of the upper limit of the very small dimensions is ~45 mm. In addition, Applicant argues that the cassette thickness of Mueller et al. cannot be compressed below the stated limit due in large part to optical considerations (i.e., the CCD and Selfoc lens system). Examiner respectfully disagrees. Mueller et al. state (US 6,373,074 column 3, lines 37-41) that "A reproduction device can be provided between the phosphor carrier and the receiving device, which can be used to reproduce the secondary radiation emitted by the individual stimulated points of the phosphor carrier at the individual point elements of the receiving device", (US 6,373,074 column 5, lines 12-14) that "A Selfoc lens can be provided for each stimuable point of the line of the phosphor plate 15, however, this is not required for the invention", and claim 6 which recites "further comprising reproduction means". Thus it is clear that the reproduction means such as the Selfoc lens is optional and not required for the invention as defined in claims and described in the specification of Mueller et al. Therefore, applicant's argument that the cassette thickness cannot be manufactured with very small dimensions due to optical considerations such as the Selfoc lens is not persuasive since reproduction means such as the Selfoc lens is optional.

Continuation of 13. Other: the information disclosure statement filed 20 December 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless the information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of 37 CFR 1.98. As indicated in the parent application, some of the information submitted were not considered because of noncompliance with 37 CFR 1.98. It has been placed in the application file, but some of the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 C(1).